

The Burger Court Opinion Writing Database

New York v. Quarles

467 U.S. 649 (1984)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 22, 1984

Re: 82-1213 - New York v. Quarles

Dear Bill:

I join.

Regards,

A handwritten signature in dark ink, appearing to be 'WB', written over the typed word 'Regards,'.

Justice Rehnquist

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

February 22, 1984

PERSONAL

Re: 82-1213 - New York v. Quarles

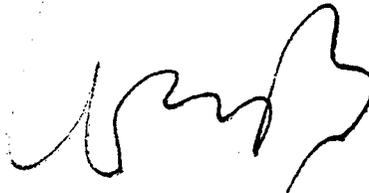
Dear Bill:

(1) I agree.

(2) You note that respondent in this case was "in police custody." However, it is unclear from the opinion whether you believe respondent was subject to Miranda "interrogation." In my view, the spontaneous and prophylactic inquiry "where is the gun" is not traditional police "interrogation" proscribed by Miranda. However, I realize that there may not be a Court for such a holding. I also realize that if there was a Court for the position, we would have no need to reach the exception you have fashioned here. In light of these latter factors, I will, of course, join the opinion.

An officer confronted with a situation like this one will inevitably--or surely should--take into account the risk of injury from a weapon, or in an extreme case, a bomb or other dangerous instrumentality. "Where is it" is an appropriate, if not indispensable prophylactic step, and the law should encourage him to do so; at least not penalize society for his doing so.

Regards,



Justice Rehnquist

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

RECEIVED
SUPREME COURT
JUSTICE
January 23, 1984

'84 JAN 23 AM 11:12

No. 82-1213

New York v. Quarles

Dear Thurgood and John,

We three voted to affirm across the board as to both the statement and the gun. Sandra voted to affirm as to suppression of the statement but to reverse as to suppression of the gun. Would you, Thurgood, be willing to undertake the dissent for John, you and me?

Sincerely,



Justice Marshall

Justice Stevens

Copy to Justice O'Connor

②

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE Wm. J. BRENNAN, JR.

April 27, 1984

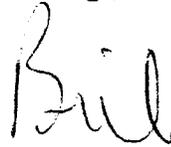
No. 82-1213

New York v. Quarles

Dear Thurgood:

I agree.

Sincerely,



Justice Marshall

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

February 24, 1984

Re: 82-1213 - New York v. Quarles

Dear Bill,

Join me, please.

Sincerely,



Justice Rehnquist

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 17, 1984

Re: No. 82-1213-New York v. Quarles

Dear Bill:

In due course I will file a dissent in this one.

Sincerely,

J.M.

T.M.

Justice Rehnquist

cc: The Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

Circulated: **APR 26 1984**

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK, PETITIONER *v.* BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[April —, 1984]

JUSTICE MARSHALL, dissenting.

The police in this case arrested a man suspected of possessing a firearm in violation of New York law. Once the suspect was in custody and found to be unarmed, the arresting officer initiated an interrogation. Without being advised of his right not to respond, the suspect incriminated himself by locating the gun. The majority concludes that the State may rely on this incriminating statement to convict the suspect of possessing a weapon. I disagree. The arresting officers had no legitimate reason to interrogate the suspect without advising him of his rights to remain silent and to obtain assistance of counsel. By finding on these facts justification for unconsented interrogation, the majority abandons the clear guidelines enunciated in *Miranda v. Arizona*, 384 U. S. 436 (1966), and condemns the American judiciary to a new era of *post hoc* inquiry into the propriety of custodial interrogations. More significantly and in direct conflict with this Court's long-standing interpretation of the Fifth Amendment, the majority has endorsed the introduction of coerced self-incriminating statements in criminal prosecutions. I dissent.

I

Shortly after midnight on September 11, 1980, Officer Kraft and three other policemen entered an A & P supermarket in search of respondent Quarles, a rape suspect who was reportedly armed. After a brief chase, the officers cornered

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pp 1, 7, 11, 14, 16

To: The Chief Justice
Justice Brennan
Justice White
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens
Justice O'Connor

From: **Justice Marshall**

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK, PETITIONER v. BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[April —, 1984]

JUSTICE MARSHALL, with whom JUSTICE BRENNAN and JUSTICE STEVENS join, dissenting.

The police in this case arrested a man suspected of possessing a firearm in violation of New York law. Once the suspect was in custody and found to be unarmed, the arresting officer initiated an interrogation. Without being advised of his right not to respond, the suspect incriminated himself by locating the gun. The majority concludes that the State may rely on this incriminating statement to convict the suspect of possessing a weapon. I disagree. The arresting officers had no legitimate reason to interrogate the suspect without advising him of his rights to remain silent and to obtain assistance of counsel. By finding on these facts justification for unconsented interrogation, the majority abandons the clear guidelines enunciated in *Miranda v. Arizona*, 384 U. S. 436 (1966), and condemns the American judiciary to a new era of *post hoc* inquiry into the propriety of custodial interrogations. More significantly and in direct conflict with this Court's long-standing interpretation of the Fifth Amendment, the majority has endorsed the introduction of coerced self-incriminating statements in criminal prosecutions. I dissent.

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Shortly after midnight on September 11, 1980, Officer Kraft and three other policemen entered an A & P supermarket in search of respondent Quarles, a rape suspect who was

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

April 30, 1984

Re: No. 82-1213 - New York v. Quarles

Dear Bill:

Please join me.

Sincerely,



Justice Rehnquist

cc: The Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 27, 1984

82-1213 - New York v. Quarles

Dear Bill:

Please joine me.

Sincerely,



Justice Rehnquist

cc - to the Conference

LFP/vde

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: Justice Rehnquist

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK *v.* BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[February —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Benjamin Quarles was charged in the New York trial court with criminal possession of a weapon. The trial court suppressed the gun in question, and a statement made by respondent, because the statement was obtained by police before they read respondent his "*Miranda* rights." That ruling was affirmed on appeal through the New York Court of Appeals. We granted certiorari, — U. S. —, 103 S. Ct. 2118 (1983), and we now reverse. We conclude that under the circumstances involved in this case, overriding considerations of public safety justify the officer's failure to provide *Miranda* warnings before he asked questions devoted to locating the abandoned weapon.

On September 11, 1980, at approximately 12:30 a.m., Officer Frank Kraft and Officer Sal Scarring were on road patrol in Queens, New York, when a young woman approached their car. She told them that she had just been raped by a black male, approximately six feet tall, who was wearing a black jacket with the name "Big Ben" printed in yellow letters on the back. She told the officers that the man had just entered an A & P supermarket located nearby and that the man was carrying a gun.

The officers drove the woman to the supermarket, and Officer Kraft entered the store while Officer Scarring radioed for assistance. Officer Kraft quickly spotted respondent, who matched the woman's description, approaching a check-

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PP 1,5,8,10

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JUSTICE MARSHALL

84 MAY -8 A9:43

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: Justice Rehnquist

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2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK v. BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[May —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Benjamin Quarles was charged in the New York trial court with criminal possession of a weapon. The trial court suppressed the gun in question, and a statement made by respondent, because the statement was obtained by police before they read respondent his "Miranda rights." That ruling was affirmed on appeal through the New York Court of Appeals. We granted certiorari, — U. S. —, 103 S. Ct. 2118 (1983), and we now reverse.¹ We conclude that under the circumstances involved in this case, overriding considerations of public safety justify the officer's failure to

¹ Although respondent has yet to be tried in state court, the suppression ruling challenged herein is a "final judgment" within the meaning of 28 U. S. C. § 1257 (3) (1982), and we have jurisdiction over this case. In *Cox Broadcasting v. Cohn*, 420 U. S. 469, 477 (1975), we identified four categories of cases where the Court will treat a decision of the highest state court as final for § 1257 purposes even though further proceedings are anticipated in the lower state courts. This case, which comes to this Court in the same posture as *Michigan v. Clifford*, — U. S. — (1984), decided earlier this term, falls within the category which includes "those situations where the federal claim has been finally decided . . . but in which later review of the federal issue cannot be had, whatever the ultimate outcome of the case." *Id.*, at 481. In this case should the state convict respondent at trial, its claim that certain evidence was wrongfully suppressed will be moot. Should respondent be acquitted at trial, the state will be precluded from pressing its federal claim again on appeal. See *California v. Stewart*, 384 U. S. 436, 498 n. 71 (1966) (decided with *Miranda v. Arizona*).

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84 JUN -8 A9:49

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Stevens
Justice O'Connor

From: Justice Rehnquist

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK v. BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[June —, 1984]

JUSTICE REHNQUIST delivered the opinion of the Court.

Respondent Benjamin Quarles was charged in the New York trial court with criminal possession of a weapon. The trial court suppressed the gun in question, and a statement made by respondent, because the statement was obtained by police before they read respondent his "Miranda rights." That ruling was affirmed on appeal through the New York Court of Appeals. We granted certiorari, — U. S. —, 103 S. Ct. 2118 (1983), and we now reverse.¹ We conclude that under the circumstances involved in this case, overriding

¹ Although respondent has yet to be tried in state court, the suppression ruling challenged herein is a "final judgment" within the meaning of 28 U. S. C. § 1257 (3) (1982), and we have jurisdiction over this case. In *Cox Broadcasting v. Cohn*, 420 U. S. 469, 477 (1975), we identified four categories of cases where the Court will treat a decision of the highest state court as final for § 1257 purposes even though further proceedings are anticipated in the lower state courts. This case, which comes to this Court in the same posture as *Michigan v. Clifford*, — U. S. — (1984), decided earlier this term, falls within the category which includes "those situations where the federal claim has been finally decided . . . but in which later review of the federal issue cannot be had, whatever the ultimate outcome of the case." 420 U. S., at 481. In this case should the state convict respondent at trial, its claim that certain evidence was wrongfully suppressed will be moot. Should respondent be acquitted at trial, the state will be precluded from pressing its federal claim again on appeal. See *California v. Stewart*, 384 U. S. 436, 498 n. 71 (1966) (decided with *Miranda v. Arizona*).

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

February 17, 1983

Re: 82-1213 - New York v. Quarles

Dear Bill:

Because I took a somewhat different view at
Conference, I will wait for other writing.

Respectfully,



Justice Rehnquist

Copies to the Conference



CHAMBERS OF
JUSTICE JOHN PAUL STEVENS

Supreme Court of the United States
Washington, D. C. 20543

April 26, 1984

Re: 82-1213 - New York v. Quarles

Dear Thurgood:

Please join me in your dissenting opinion.

Respectfully,

Justice Marshall

Copies to the Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SANDRA DAY O'CONNOR

February 21, 1984

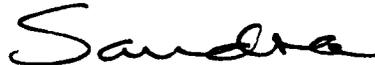
Re: No. 82-1213 New York v. Quarles

Dear Bill,

As you know, I expressed a different view at Conference on this case. I continue to believe that if we are to adhere to Miranda, a clear, bright line will serve us better than a blurring of the rule for a "public safety" exception. What I believe is more important in the case is to determine that failure to properly administer Miranda warnings is not in itself justification for suppression of the nontestimonial fruits, i.e., the gun.

As presently disposed I will probably write separately.

Sincerely,



Justice Rehnquist

Copies to the Conference

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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JUSTICE

'84 MAR 12 A9:51

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK *v.* BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[March —, 1984]

JUSTICE O'CONNOR, concurring in part in the judgment and dissenting in part.

In *Miranda v. Arizona*, 384 U. S. 436 (1966), the Court held unconstitutional, because inherently compelled, the admission of statements derived from in-custody questioning not preceded by an explanation of the privilege against self-incrimination and the consequences of foregoing it. Today, the Court concludes that overriding considerations of public safety justify the admission of evidence—oral statements and a gun—secured without the benefit of such warnings. *Ante*, at 7. In so holding, the Court acknowledges that it is departing from prior precedent, see *id.*, at 4, and that it is “lessen[ing] the desirable clarity of [the *Miranda*] rule, *id.*, at 7. Were the Court writing from a clean slate, I could agree with its holding. But *Miranda* is now the law and, in my view, the Court has not provided sufficient justification for departing from it or for blurring its now clear strictures. Accordingly, I would require suppression of the initial statement taken from respondent in this case. On the other hand, nothing in *Miranda* or the privilege itself requires exclusion of nontestimonial evidence derived from informal custodial interrogation, and I therefore agree with the Court that admission of the gun in evidence is proper.¹

¹As to the statements elicited after the *Miranda* warnings were administered, admission should turn solely on whether the answers received

4, 12, 13

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK v. BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[May —, 1984]

JUSTICE O'CONNOR, concurring in part in the judgment
and dissenting in part.

In *Miranda v. Arizona*, 384 U. S. 436 (1966), the Court held unconstitutional, because inherently compelled, the admission of statements derived from in-custody questioning not preceded by an explanation of the privilege against self-incrimination and the consequences of foregoing it. Today, the Court concludes that overriding considerations of public safety justify the admission of evidence—oral statements and a gun—secured without the benefit of such warnings. *Ante*, at 7. In so holding, the Court acknowledges that it is departing from prior precedent, see *id.*, at 4, and that it is “lessen[ing] the desirable clarity of [the *Miranda*] rule, *id.*, at 7. Were the Court writing from a clean slate, I could agree with its holding. But *Miranda* is now the law and, in my view, the Court has not provided sufficient justification for departing from it or for blurring its now clear strictures. Accordingly, I would require suppression of the initial statement taken from respondent in this case. On the other hand, nothing in *Miranda* or the privilege itself requires exclusion of nontestimonial evidence derived from informal custodial interrogation, and I therefore agree with the Court that admission of the gun in evidence is proper.¹

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PP. 4, 12

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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May 1 '84

4th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK *v.* BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[May —, 1984]

JUSTICE O'CONNOR, concurring in part in the judgment and dissenting in part.

In *Miranda v. Arizona*, 384 U. S. 436 (1966), the Court held unconstitutional, because inherently compelled, the admission of statements derived from in-custody questioning not preceded by an explanation of the privilege against self-incrimination and the consequences of foregoing it. Today, the Court concludes that overriding considerations of public safety justify the admission of evidence—oral statements and a gun—secured without the benefit of such warnings. *Ante*, at 7. In so holding, the Court acknowledges that it is departing from prior precedent, see *id.*, at 4, and that it is “lessen[ing] the desirable clarity of [the *Miranda*] rule, *id.*, at 7. Were the Court writing from a clean slate, I could agree with its holding. But *Miranda* is now the law and, in my view, the Court has not provided sufficient justification for departing from it or for blurring its now clear strictures. Accordingly, I would require suppression of the initial statement taken from respondent in this case. On the other hand, nothing in *Miranda* or the privilege itself requires exclusion of nontestimonial evidence derived from informal custodial interrogation, and I therefore agree with the Court that admission of the gun in evidence is proper.¹

¹ As to the statements elicited after the *Miranda* warnings were administered, admission should turn solely on whether the answers received

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Stylistic Changes Throughout

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JUSTICE MARSHALL

'84 MAY 25 AM 11:34

To: The Chief Justice
Justice Brennan
Justice White
Justice Marshall
Justice Blackmun
Justice Powell
Justice Rehnquist
Justice Stevens

From: Justice O'Connor

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5th DRAFT

SUPREME COURT OF THE UNITED STATES

No. 82-1213

NEW YORK *v.* BENJAMIN QUARLES

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS
OF NEW YORK

[May —, 1984]

JUSTICE O'CONNOR, concurring in part in the judgment and dissenting in part.

In *Miranda v. Arizona*, 384 U. S. 436 (1966), the Court held unconstitutional, because inherently compelled, the admission of statements derived from in-custody questioning not preceded by an explanation of the privilege against self-incrimination and the consequences of foregoing it. Today, the Court concludes that overriding considerations of public safety justify the admission of evidence—oral statements and a gun—secured without the benefit of such warnings. *Ante*, at 7. In so holding, the Court acknowledges that it is departing from prior precedent, see *ante*, at 4, and that it is “lessen[ing] the desirable clarity of [the *Miranda*] rule, *ante*, at 7. Were the Court writing from a clean slate, I could agree with its holding. But *Miranda* is now the law and, in my view, the Court has not provided sufficient justification for departing from it or for blurring its now clear strictures. Accordingly, I would require suppression of the initial statement taken from respondent in this case. On the other hand, nothing in *Miranda* or the privilege itself requires exclusion of nontestimonial evidence derived from informal custodial interrogation, and I therefore agree with the Court that admission of the gun in evidence is proper.¹

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